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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,326	01/25/2006	Sean Geoffrey Maddox	CPG0188DB	1635
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MEADWESTVACO CORPORATION ALEXANDRA B. URBAN, ESQ. 299 PARK AVENUE, 13TH FLOOR NEW YORK, NY 10171			EXAMINER BOSWELL, CHRISTOPHER J	
			ART UNIT 3673	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/540,326

**Applicant(s)**

MADDOX ET AL.

**Examiner**

Christopher Boswell

**Art Unit**

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-31 is/are allowed.
- 6) ☒ Claim(s) 15-23, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 24-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A</u> .                     |

**DETAILED ACTION*****Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the L-shaped slot must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-23 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by British Patent Number 2,371,597 to Farrar et al.

Farrar et al. disclose an apparatus for releasing a magnetic security device (figure 6A), the apparatus having a first portion (bottom surface of slot 1) for locating an article (2) in a first direction and a second portion (rear surface of slot 1) for locating the article in a second direction substantially perpendicular to the first direction, the first and second portions forming a slot (1) for receiving the article but physically restraining the article in the first and second directions as it is brought into contact with the first and second portions, while leaving the article the article unrestrained in at least a third direction substantially perpendicular to the first and second directions (the first and second portions providing alignment of an article in the vertical and the fore and aft directions while allowing the article to be unrestrained in the lateral direction), at least one of the first and second portions including magnetic release means (8 and 9) arranged to assist in locating an initially misaligned article into alignment in the third direction by magnetic attraction of the security device as the article is brought into contact with the at least one of the first and second portions (page 3, line 1-page 4, line 16), the magnetic release means being arranged to provide a first magnetic force (via element 8) in a first direction and a second

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magnetic force (via element 9) in the second direction for releasing a magnetic security device (3) from the article, as in claim 15.

Farrar et al. also disclose the first portion defines a first plane (plane defined by the first portion) and the second portion defines a second plane (plane defined by the second portion) substantially perpendicular to the first plane (figure 3A), as in claim 17, in which the first and second planes define a slot (1) having a substantially L-shaped cross-section (figure 3A), as in claim 18, as well as the first and second portions respectively comprise a base portion (bottom surface of slot 1) and a top portion (rear surface of slot 1) upstanding therefrom, as in claim 19, wherein the first and second portions are connected together by means of at least one mutually engageable projection and recess (the corner defining the transition between the bottom surface and the rear surface), as in claim 20, and a method of releasing a magnetic security device comprising the steps of providing apparatus in claim 15 (page 2, lines 9-23) and presenting an article with a magnetic security device thereto to release the magnetic security device therefrom (page 3, line 1-page 4, line 16), as in claim 28.

Farrar et al. further disclose a first magnet (8) mounted in the first portion provides the magnetic force in direction and a second magnet (9) mounted in the second portion provides the magnetic force in the second direction, as in claim 21, in which at least one of the first and second magnet comprises a plurality of parts (page 3, lines 13-19) which are held together in a configuration in which they tend to repel each other (page 2, lines 22-23; as the magnets are positioned orthogonal to each other, the magnetic force repels each other), as in claim 22, where at least one of the first and second magnets comprise a central part (8) with a plurality of further

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parts (9) adjacent thereto, the magnetic axes of each of the further parts being perpendicular to that of the central part (page 2, lines 22-23), as in claim 23.

Farrar et al. additionally disclose an apparatus for releasing a magnetic security device (figure 6A), the apparatus having a first portion (bottom surface of slot 1) for locating an article (2) in a first direction and a second portion (rear surface of slot 1) for locating the article in a second direction substantially perpendicular to the first direction, so as to provide an L-shaped slot or receptacle (figure 3A; as defined by the bottom and rear surface, the L-shaped slot or receptacle is formed by the two substantially perpendicular surfaces) for restraining the article in the first and second directions as it is brought into contact with the first and second portions (the first and second portions providing alignment of an article in the vertical and the fore and aft directions while allowing the article to be unrestrained in the lateral direction), while leaving the article unrestrained in at least a third direction (the lateral direction to the vertical and fore and aft directions) substantially perpendicular to the first and second directions, the L-shaped slot being capable of receiving articles of a wide range of shapes and sizes (page 2, lines 3-8) having a security device (3) installed adjacent two substantially perpendicular sides thereof (figure 3A), at least one of the first and second portions including magnetic release means (8 and 9) arranged to provide a first magnetic force (via magnet 8) in the first direction and a second magnetic force (via magnet 9) in the second direction for releasing a magnetic security device (3) from the article, as in claim 16.

Farrar et al. also disclose at least one of the first and second portions including magnetic release means (8 and 9) arranged to assist in locating the article in a third direction substantially

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perpendicular to the first and second direction by magnetic attraction of the security device as the article is brought into contact with the at least one of the first and second portions so as to align the magnetic security device with the magnetic release means (page 3, line 1-page 4, line 16), as in claim 27.

### ***Allowable Subject Matter***

Claims 29-31 are allowed.

Claims 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The claims are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that of a closure means that prevents an article from being presented to the magnetic release means.

### ***Response to Arguments***

Assuming arguendo to the drawing objections, the examiner takes the stance that a slot is defined as a narrow opening or groove, or a narrow passage or enclosure (see Attachment A), where in the current drawing there is no "slot" shown, though there is a void defined by the two perpendicular portions.

Applicant's arguments filed August 22, 2007 have been fully considered but they are not persuasive. In regards to the argument that Farrar does not teach an apparatus that includes a slot

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for receiving an article and restraining the article in first and second directions, while leaving the article unrestrained in a third direction perpendicular to the first and second, the examiner respectfully disagrees. Farrar discloses the first and second portions providing alignment of an article in the vertical and the fore and aft directions while allowing the article to be substantially unrestrained in the lateral direction, allowing for various sizes and shapes of articles, as shown in figure 6A where the article is capable of moving laterally within the slot.

Regarding the argument that Farrar does not disclose a magnetic release means arranged to assist in locating a misaligned article into alignment in the third direction, the examiner respectfully disagrees. Farrar discloses the article being physically restrained in only the first and second directions, the fore and aft directions, and the vertical direction, as it is brought into contact with the first and second portions, bottom surface of slot 1, rear surface of slot 2. Where the magnetic attraction between the magnets, 8 and/or 9, and the magnetic security device is sufficient to ensure the article is located in the lateral direction, the lateral direction to the vertical and fore and aft directions, with the magnetic security device in alignment with the first and/or second magnets, 8 and 9, if the article is presented in approximate alignment.

In regards to the argument that Farrar does not disclose an L-shaped slot or receptacle for restraining the article in first and second directions, while allowing the article unrestrained in a third direction perpendicular to the first and second, the examiner respectfully disagrees. Farrar discloses an opening that is defined by a vertical rear surface and a horizontal bottom surface that align an article in the first and second directions, while allowing movement in a lateral third direction. Where the L-shaped slot or receptacle is formed by two substantially perpendicular surfaces.



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJB  
November 1, 2007

Christopher Boswell  
Examiner  
Art Unit 3673



Suzanne Dino Barrett  
Primary Examiner





# Merriam-Webster's Collegiate<sup>®</sup> Dictionary

TENTH EDITION

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